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4 **BEFORE THE PUBLIC DISCLOSURE COMMISSION**
5 **OF THE STATE OF WASHINGTON**
6

7 IN RE COMPLIANCE
8 WITH RCW 42.17

) PDC CASE NO.: 04-659
)

9 PATRICK ALESSE
10

) **FINAL ORDER IMPOSING FINE**
)

Respondent.
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13 **INTRODUCTION**

14 The Washington State Public Disclosure Commission (Commission) conducted an
15 enforcement hearing under chapters 34.05 and 42.17 RCW and chapter 390-37 WAC on
16 June 22, 2004 with respect to the above-captioned matter. The Commission held the
17 hearing at Evergreen Plaza Building, Room 206, 711 Capitol Way South, in Olympia,
18 Washington. The Commission held the hearing to determine whether the Respondent
19 violated RCW 42.17.240 by failing to file a Statement of Financial Affairs by April 15,
20 2004. The Staff appeared through Philip E. Stutzman, Director of Compliance. The
21 Respondent was not present at the hearing and provided no written evidence for
22 Commission review.

23 During the hearing, the Staff presented, for the Commission's consideration, the
24 Notice of Administrative Charges issued June 9, 2004, which alleged a violation of RCW
25 42.17.240, and its exhibits, which included: 1) List of Officials received from the
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1 Respondent's jurisdiction demonstrating that the Respondent was required to file the F-1
2 report in 2004; 2) May 7, 2004 Warning Letter reminding the Respondent to file the
3 missing F-1 report; and 3) June 9, 2004, Affidavit of PDC staff member Jennifer Hansen
4 stating that the F-1 report had not been received.
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6 The Commission considered the Notice of Administrative Charges and its
7 incorporated exhibits. The Notice of Administrative Charges and exhibits are incorporated
8 by reference into this Order. The Commission heard oral argument by Staff.

9 Based on this record, the Commission finds that:
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- 11 1. RCW 42.17.240 requires elected and appointed officials, after January 1st and before
12 April 15th of each year, to file with the commission a Statement of Financial Affairs for
13 the preceding calendar year.
- 14 2. The Respondent is a Commissioner for the Birch Bay Water and Sewer District who
15 held office during 2003 and was required to file a Statement of Financial Affairs (PDC
16 form F-1) by April 15, 2004.
- 17 3. The Respondent was reminded by letter on May 7, 2004 to file the missing F-1 report.
18 The Respondent was notified on June 9, 2004 that he was scheduled for an
19 enforcement hearing before the full Commission on June 22, 2004.
- 20 4. The F-1 report was not received.
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23 **ORDER**

24 Based on the record submitted in this matter, the Commission orders as follows:

- 25 1. That the Respondent committed a single violation of RCW 42.17.240;
- 26 2. That a total civil penalty of \$500 is assessed against the Respondent;

- 1 3. That \$250 of the penalty is suspended on the condition that the Respondent files the
2 missing F-1 report and pays the \$250 non-suspended portion of the penalty within 30
3 days from the date of this order, as determined by the Full Commission.
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6 **RECONSIDERATION OF FINAL ORDER - COMMISSION**

7 Any party may ask the Commission to reconsider this final order. Parties must
8 place their requests for reconsideration in writing, include the specific grounds or reasons
9 for the request, and deliver the request to the Public Disclosure Commission Office within
10 **Twenty-One (21) business days** of the date that the Commission serves this order upon the
11 party. Grounds for reconsideration shall be limited to:

- 12 a) New facts or legal authorities that could not have been brought to the commission's
13 attention with reasonable diligence. If errors of fact are alleged, the requester must
14 identify the specific evidence in the prior proceeding on which the requester is
15 relying. If errors of law are alleged, the requester must identify the specific citation;
16 or
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18 b) Significant typographical or ministerial errors in the order. Pursuant to RCW
19 34.05.470, the Public Disclosure Commission is deemed to have denied the petition
20 for reconsideration if, within twenty (20) business days from the date the petition is
21 filed, the Commission does not either dispose of the petition or serve the parties
22 with written notice specifying the date by which it will act on the petition. Pursuant
23 to RCW 34.05.470, the Respondent is not required to ask the Public Disclosure
24 Commission to reconsider the final order before seeking judicial review by a
25 superior court.
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3 **FURTHER APPEAL RIGHTS – SUPERIOR COURT**

4 Pursuant to RCW 42.17.395(5), a **final order** issued by the Public Disclosure
5 Commission is subject to judicial review under the Administrative Procedures Act, chapter
6 34.05 RCW. The procedures are provided in RCW 34.05.510 - .598. Pursuant to RCW
7 34.05.542(2), a petition for judicial review must be filed with the superior court in Thurston
8 County or the petitioner's county of residence or principal place of business. The petition
9 for judicial review must be served on the Public Disclosure Commission and any other
10 parties within **30 days** of the date that the Public Disclosure Commission serves this final
11 order on the parties.

12 If reconsideration is properly sought, the petition for judicial review must be served
13 on the Public Disclosure Commission and any other parties within thirty (30) days after the
14 Commission acts on the petition for reconsideration.
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17 **ENFORCEMENT OF FINAL ORDERS**

18 The Commission will seek to enforce this final order in superior court under RCW
19 42.17.395-.397, and recover legal costs and attorney's fees, if the penalty remains unpaid
20 and no petition for judicial review has been filed under chapter 34.05 RCW. This action
21 will be taken without further order by the Commission.
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1 DATED THIS 1st day of July, 2004.

2 FOR THE COMMISSION:
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5 _____
6 VICKI RIPPIE, Executive Director

7 *MAILING DATE OF THIS ORDER:*
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